

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,)	No. CV-15-01599-PHX-SPL)
)	(No. CR-14-00863-PHX-SPL)
Plaintiff/Respondent,)	
vs.)	ORDER
Ismael Zunun-Morales,)	
)	
Defendant/Movant.)	

Movant Ismael Zunun-Morales has filed a Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody pursuant to 28 U.S.C. § 2255 (“Motion”) (Doc. 1). On September 2, 2016, the Honorable Deborah M. Fine, United States Magistrate Judge, issued a Report and Recommendation (“R&R”), recommending that the Court deny the Motion. Judge Fine advised the parties that they had fourteen (14) days to file objections to the R&R and that failure to file timely objections could be considered a waiver of the right to obtain review of the R&R. (Doc. 5 at 8-9); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not... require any review at all... of any issue that is not the subject of an objection.”); Fed. R. Civ. P. 72(b)(3) (“The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.”). The Court has nonetheless reviewed the R&R and finds that it is well-

1 taken. The Court will adopt the R&R and deny the Motion. *See* 28 U.S.C. § 636(b)(1)
2 (stating that the district court “may accept, reject, or modify, in whole or in part, the
3 findings or recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The
4 district judge may accept, reject, or modify the recommended disposition; receive further
5 evidence; or return the matter to the magistrate judge with instructions.”). Accordingly,

6 **IT IS ORDERED:**

7 1. That Magistrate Judge Fine’s Report and Recommendation (Doc. 5) is
8 **accepted** and **adopted** by the Court;

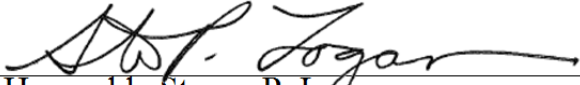
9 2. That the Motion to Vacate, Set Aside, or Correct Sentence by a Person in
10 Federal Custody pursuant to 28 U.S.C. § 2255 (Doc. 1) is **denied** and this case is
11 **dismissed with prejudice**;

12 3. That a certificate of appealability and leave to proceed *in forma pauperis* on
13 appeal are **denied** because Movant has not made a substantial showing of the denial of a
14 constitutional right;

15 4. That the Clerk of Court shall file this Order in the underlying related criminal
16 action, Case No. CR-14-00863-PHX-SPL; and

17 5. That the Clerk of Court shall **terminate** this action.

18 Dated this 5th day of October, 2016.

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20 
21 Honorable Steven P. Logan
22 United States District Judge
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